

09/18/2007 15:38 IFAX Fax\_Center@dbf.com  
 SEP-18-2007 14:52 From:RIEMER & ASSOCIATES 2122970730

\* Fax Center  
 To:12159882757

002/004  
 P.2/4

UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF NEW YORK

CRAIG FASHBAUGH

Plaintiff,

v.

CONTINENTAL ASSURANCE COMPANY  
 AND HARTFORD LIFE AND ACCIDENT  
 INSURANCE COMPANY,

Defendants.

Case No. 07-CV-5791

USDS SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #:  
 DATE FILED: 9/19/07

**STIPULATION AND ORDER**

WHEREAS, the parties desire to extend the Defendants' time within which Defendants may respond to the Complaint and alter this Court's Civil Case Management Plan in order to undertake good faith settlement negotiations, which were not foreseeable at the time this Court entered the Civil Case Management Plan Scheduling Order, the parties have agreed Defendants' time to answer, move or otherwise plead and all attendant case management order dates in the Civil Case Management Plan By Order of this Court should be extended by three weeks.

AND NOW, this 19 day of Sept, 2007, IT IS HEREBY AGREED and ORDERED as follows:

1. Defendant shall answer, move or otherwise plead in response to Plaintiff's Complaint by October 9, 2007.

09/18/2007 15:36 IFAX Fax\_Center@dbb.com  
SEP-18-2007 14:52 From:RIEMER & ASSOCIATES 2122970730

+ Fax Center  
To:12159682757

003/004  
P.3/4

2. Discovery Pursuant to Fed.R.Civ.P. 26(a) shall be exchanged by October 12, 2007.
3. No additional parties may be joined after December 3, 2007.
4. No pleading may be amended after December 21, 2007.
5. All discovery, *including expert discovery*, must be completed on or before March 7, 2008. (For personal injury, civil rights, employment discrimination or medical malpractice cases only): Plaintiff's deposition shall be taken first, and shall be completed by December 28, 2007. Expert disclosures conforming with Rule 26 must be made no later than the following dates: Plaintiff(s) expert report(s) by February 1, 2008; Defendant(s) expert report(s) by February 22, 2008.
6. A joint pre-trial order in the form prescribed in Judge McMahon's individual rules, together with all other pre-trial submissions required by those rules (not including *in limine* motions), shall be submitted on or before April 4, 2008. Following submission of the joint pre-trial order, counsel will be notified of the date of the final pre-trial conference. *In limine* motions must be filed within five days of receiving notice of the final pre-trial conference; responses to *in limine* motions are due five days *after* the

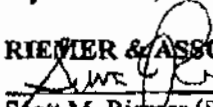
08/18/2007 15:38 IFAX Fax\_Center@dbf.com  
SEP-18-2007 14:52 From:RIEMER & ASSOCIATES 2122970730

+ Fax Center  
To:12159882757

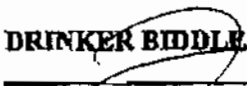
004/004  
P.4/4

motions are made. Cases may be called for trial at any time following the final pre-trial conference.

Dated: September 18, 2007

By: RIEMER & ASSOCIATES LLC  
  
Scott M. Riemer (SR5005)  
60 East 42<sup>nd</sup> Street, Suite 2430  
New York, NY 10165  
(212) 297-0700

*Attorneys for Plaintiff  
Craig Fashbaugh*

By: DRINKER BIDDLE & REATH LLP  
  
Stephen Harris (N.Y. Bar No. 698807)  
One Logan Square  
18<sup>th</sup> & Cherry Streets  
Philadelphia, PA 19103-6996  
(215) 988-2700

*Attorneys for Defendant  
Hartford Life and Accident  
Insurance Company*

BY THE COURT  
  
Hon. Colleen McMahon  
United States District Judge

9-19-07